

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RYANT TRIMALE PRATT,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTION & REHABILITATION, et  
al.,

Defendants.

Case No. [21-cv-09943-JSW](#)

**ORDER OF DISMISSAL**

Plaintiff, a California prisoner proceeding pro se, has filed a civil rights complaint under 42 U.S.C. § 1983 seeking immediate release from custody on parole. He is serving a sentence of ninety years to life in state prison.

“Federal law opens two main avenues to relief on complaints related to imprisonment: a petition for habeas corpus, 28 U.S.C. § 2254, and a complaint under the Civil Rights Act of 1871, Rev. Stat. § 1979, as amended, 42 U.S.C. § 1983. Challenges to the lawfulness of confinement or to particulars affecting its duration are the province of habeas corpus.” *Hill v. McDonough*, 547 U.S. 573, 579 (2006) (quoting *Muhammad v. Close*, 540 U.S. 749, 750 (2004)). “An inmate’s challenge to the circumstances of his confinement, however, may be brought under § 1983.” *Id.* Habeas is the “exclusive remedy” for the prisoner, such as Plaintiff, who seeks “immediate or speedier release” from confinement. *Skinner v. Switzer*, 562 U.S. 521, 533-34 (2011) (quoting *Wilkinson v. Dotson*, 544 U.S. 74, 82 (2005)). A civil rights complaint seeking habeas relief should be dismissed without prejudice to bringing it as a petition for writ of habeas corpus. *See Trimble v. City of Santa Rosa*, 49 F.3d 583, 586 (9th Cir. 1995). Plaintiff’s civil rights complaint must be dismissed without prejudice to bringing it as a petition for writ of habeas corpus.

Plaintiff also seeks money damages for being unlawfully incarcerated. Such damages may

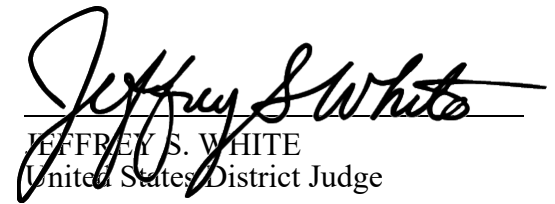
1 only be obtained if Plaintiff succeeds in proving in his habeas action that he was previously  
2 entitled to release on parole. *Cf. Butterfield v. Bail*, 120 F.3d 1023, 1024 (9th Cir. 1997) (*Heck v.*  
3 *Humphrey*, 512 U.S. 477, 486-487 (1994), bars claim for damages based on allegedly unlawful  
4 denial of parole).

5 For the foregoing reasons, the case is DISMISSED without prejudice to Plaintiff filing his  
6 claims in a petition for a writ of habeas corpus.

7 The Clerk shall enter judgment and close the file.

8 **IT IS SO ORDERED.**

9 Dated: January 18, 2022

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13 JEFFREY S. WHITE  
14 United States District Judge  
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